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123103
U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

<i>Attorney Docket No.</i>	1875.3920005
<i>First Inventor</i>	Brown et al.
<i>Title</i>	APPARATUS AND METHOD FOR COMMUNICATING ARBITRARILY ENCODED DATA OVER A 1-GIGABIT ETHERNET
<i>Express Mail Label No.</i>	

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 20]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 12]
5. Oath or Declaration [Total Sheets 2]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) name in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

ADDRESS TO:
 Mail Stop Patent Application
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

7. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission
(if applicable, all necessary)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. Paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 CFR 3.73(b) Statement Power of Attorney
(when there is an assignee)
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: _____ Authorization under 37CFR 1.136(a)(3)
The name of the assignee is: _____ Broadcom Corporation

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.:

Prior application information:

Examiner _____

Art Unit: _____

For CONTINUATION OF DIVISIONAL APPS only; The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS
 Customer Number: 26111 OR Correspondence address below

Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

Address:

City:

Country:

State:

Zip Code:

Telephone:

Fax:

Name (Print/Type): Jeffrey T. Helvey

Registration No. (Attorney/Agent)

44,757

Signature:

Jeffrey T. Helvey

Date:

12/31/03

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT	(\$)	940.00
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Complete if Known	
Application Number	To Be Assigned
Filing Date	12/31/03
First Named Inventor	Brown et al.
Examiner Name	To Be Assigned
Art Unit	To Be Assigned
Attorney Docket No.	1875.3920005

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other** None

**Charge any deficiencies or credit any overpayments in Deposit Account. the fees to Deposit Acct. No. 19-0036.

Deposit Account Number
Deposit Account Name

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	<input type="text" value="770.00"/>
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$)	770.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	<input type="text" value="20"/>	- 20 **= <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text" value="3"/>	- 3 **= <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent				<input type="text"/>

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$)

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	40.00
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) _____			
*Reduced by Basic Filing Fee Paid		SUBTOTAL (3)	(\$)
			170.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Jeffrey T. Helvey	Registration No. (Attomey/Agent)	44,757	Telephone	(202) 371-2600
Signature				Date	12/31/03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brown *et al.*

Appl. No.: *To Be Assigned*

Filed: December 31, 2003

For: **Apparatus and Method for
Communicating Arbitrarily
Encoded Data Over a 1-Gigabit
Ethernet**

Confirmation No.: *To Be Assigned*

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 1875.3920005

**Authorization to Treat a Reply as Incorporating an
Extension of Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jeffrey T. Helvey
Agent for Applicants
Registration No. 44,757

Date: 12/31/03

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December 31, 2003

Mail Stop Patent Application

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. Non-Provisional Utility Patent Application under 37 C.F.R. § 1.53(b)
Appl. No. *To Be Assigned*; Filed: December 31, 2003
For: **Apparatus and Method for Communicating Arbitrarily Encoded Data
Over a 1-Gigabit Ethernet**

Inventors: Brown *et al.*
Our Ref: 1875.3920005

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:

1. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
2. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
3. PTO Fee Transmittal (Form PTO/SB/17);
4. U.S. Utility Patent Application entitled:

**Apparatus and Method for Communicating Arbitrarily Encoded Data Over
a 1-Gigabit Ethernet**

and naming as inventors:

Kevin Brown and Richard Thousand

the application consisting of:

- a. An Application Data Sheet (37 C.F.R. § 1.76);

Commissioner for Patents
December 31, 2003
Page 2

- b. A specification containing:
 - i. 15 pages of description prior to the claims
 - ii. four pages of claims (20 claims);
 - iii. a one (1) page abstract;
 - c. Twelve sheets of drawings: (Figures 1A, 1B, 2, 3, 4, 5A, 5B, 6, 7A, 7B, 7C, 7D, 8, 9 and 10); and
 - d. An original executed Declaration;
5. Petition for Expedited Handling of Foreign Filing License Under 37 C.F.R. § 5.11 *Et Seq.*
 6. Recordation Form Cover Sheet (Form PTO-1595);
 7. Assignment To Broadcom Corporation, official recordation and return of which is respectfully requested;
 8. Form PTO-2038 Credit Card Payment Form in the amount of \$940.00 for \$770.00 Application Fee, \$130.00 for Petition to Commissioner and \$40.00 Assignment Recordation Fee; and
 9. Two (2) return postcards.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey
Agent for Applicants
Registration No. 44,757

219694v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Brown *et al.*
Appl. No.: *To Be Assigned*
Filed: December 31, 2003
**For: Apparatus and Method for
Communicating Arbitrarily
Encoded Data Over a 1-Gigabit
Ethernet**

Confirmation No.: *To Be Assigned*
Art Unit: *To Be Assigned*
Examiner: *To Be Assigned*
Atty. Docket: 1875.3920005

**Petition for Expedited Handling of Foreign Filing License
Under 37 C.F.R. § 5.11 *Et Seq.***

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

It is hereby petitioned that a Foreign Filing License be granted in an expedited manner for the above-referenced application. Applicants, whose addresses are: (1) Kevin Brown, residing at 276 St Joseph Avenue, Long Beach, California 90803; and (2) Richard Thousand, residing at 2202 NE Trilein Drive, Ankeny, Iowa 50021 desire to file immediately one or more international applications directed to subject matter that is described in the application.

Applicants desire to seek immediate patent protection for the invention by filing corresponding patent applications abroad. A foreign filing license is necessary in order to file abroad. It is therefore respectfully requested that a foreign filing license be granted on an expedited basis.

The parent applications **have** been filed on April 22, 2003, February 28, 2003, and January 23, 2003. Also, the Non-Provisional application **has not** been filed in the

U.S. Patent and Trademark Office but is filed herewith, so that this Petition is formally submitted under 37 C.F.R. § 5.13.

A copy of the U.S. Non-Provisional application (filed herewith) is attached to this Petition. **It is respectfully requested that the undersigned be telephoned with the decision on this Petition immediately after it has been acted upon.** Do not hesitate to contact the undersigned if there should be any questions concerning this request.

Please telephone the undersigned to pick up the foreign filing license, when granted.

Our PTO-2038 Credit Card Payment Form for the required fee of \$130.00 (37 C.F.R. § 1.17(h)) is attached. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey T. Helvey
Agent for Applicants
Registration No. 44,757

Date: 12/31/03

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